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PABLO MELES, ESQ.
AKERMAN, SENTERFITT & EIDSON, P.A.
222 Lakeview Avenue, 4th Floor
P. O. Box 3188
West Palm Beach, FL 33402-3188

EXAMINER

SHARMA, SUJATHA R

ART UNIT	PAPER NUMBER
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2618

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/626,244

Applicant(s)

EASTMAN ET AL.

Examiner

Sujatha Sharma

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-5,8-12, 20-22,26 are rejected under 35 U.S.C. 103(a) as being unpatentable by Hilt [US 2007/0118833] in view of Marko [US 2004/0049389] and further in view of Rindsberg [US 6,553,077].

Regarding claim 1,20,26 Hilt discloses an XM radio system. Hilt further discloses a method comprising:

- a computer(104 in Fig.1) coupled to a display; see Fig.1

However, Hilt does not specifically disclose the use of a single receiver to receive the plurality of broadcast channels and a graphic user interface that selectively displays at least a portion of the data associated with the plurality of channels and wherein the data associated with the plurality of channels includes plurality of channel numbers, a plurality of song titles, a plurality of channel names, and wherein such data is simultaneously updated and displayed.

Marko, in the same field of endeavor, teaches the use of a single radio receiver with a graphical user interface capable of receiving a plurality of broadcast channels and data associated with the plurality of channels, wherein the data associated with the plurality of channels includes plurality of channel numbers, a plurality of song titles, a plurality of channel names See paragraphs 26-28

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Marko to Hilt in order to provide the user with a more improved and simple to use device compared to the terrestrial system

Hilt and Marko, however, fails to disclose a method wherein the graphic user interface selectively displays at least a portion of the data associated with the plurality of channels and wherein the data associated with the plurality of channels is simultaneously updated and displayed.

Rindsberg, in the same field of endeavor, teaches a method and apparatus for customized selection of audio channels. Rindsberg further teaches a method wherein the graphic user interface selectively displays at least a portion of the data associated with the plurality of channels and wherein the data associated with the plurality of channels is simultaneously updated and displayed. See fig. 6, col. 3, lines 41-48, col. 4, lines 1-10 and lines 49-61.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Rindsberg to modified Hilt in order to enable the selection of channels containing the most updated desired content.

Regarding claim 2, Acker further discloses a system wherein the system further comprises at least one among a volume control, a tone control (see paragraph 83) and an output port on the radio receiver, wherein the output port can selectively stream data or audio or video from a selected channel among the plurality of channels. See paragraphs 39-41 and 83

Regarding claim 3,21 Rindsberg teaches a method wherein the graphic user interface further comprises a program to selectively tag a desired type of content among the plurality of channels, analyze the data associated with the plurality of channels for an indication of content of the desired type among the plurality of channels, and alert a user of a desired channel containing the indication. See Fig. 8 and col. 5, lines 29-50.

Regarding claim 4,22 Rindsberg further discloses a method wherein the user is alerted by a pop-up window of the desired content on the desired channel. See col. 4, lines 33-48.

Regarding claim 5, Rindsberg teaches a method wherein updates for the data associated with the plurality of channels recur in rapid succession. See col. 5, lines 17-20 and col. 6, lines 27-38.

Regarding claim 8, Marko discloses a method wherein the data associated with the plurality of channels is extracted from a broadcast information channel received at the radio receiver as one of the plurality of channels. See paragraph 26-28

Regarding claim 9, Marko further teaches a method wherein the receiver has plurality of tuners and the data associated with the plurality of channels is extracted from a plurality of tuners performing background scanning among the plurality of channels to create a broadcast information channel. See paragraph 28

Regarding claim 10, Hilt discloses a method wherein the radio receiver is selected among a satellite digital audio receiver, a multi-channel digital FM receiver, and a multi-channel digital AM receiver. See paragraphs 17 and Fig. 1

Regarding claim 11, Hilt discloses a method wherein the system further comprises a global network connection. See Fig. 1

Regarding claim 12, Hilt further discloses a method where the computer controls the radio receiver. See Fig. 1 where the computer is in bi-directional communication with the XM receiver thus indicating that the computer controls the radio receiver and vice-versa.

2. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable by Hilt [US 2007/0118833] and Marko [US 2004/0049389] in view of Rindsberg [US 6,553,077] and further in view of Sezan [US 7,194,687].

Regarding claim 6,17,24 Ellis as treated in claims 1,16 and 20 respectively further discloses a method wherein the graphical user interface enables the simultaneous viewing of a plurality of channel numbers, a plurality of artist names, a plurality of song titles, a plurality of channel names, a plurality of categories,. See Figs. 26 and 27 and paragraph 232.

However, Ellis fails to disclose a method of viewing a plurality of use percentages.

Sezan, in the same field of endeavor, teaches a method of presenting a usage history that is proportional to a measured percentage consumed by a user of that particular program.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Sezan to modified Ellis in order to provide information of the most popular program viewed by the user.

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable by Hilt [US 2007/0118833] and Marko [US 2004/0049389] in view of Rindsberg [US 6,553,077] and further in view of Turnbull [US 2004/0196179].

Regarding claim 7, Hilt as treated in claim 1 discloses all the limitations as claimed. However, he does not disclose a method wherein the graphical user interface enables the viewing of signal strength of a signal received from at least one among a satellite signal and a terrestrial signal.

Turnbull, in the same field of endeavor, teaches a method wherein the graphical user interface enables the viewing of signal strength of a signal received from at least one among a satellite signal and a terrestrial signal. See paragraph 87.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Turnbull to modified Ellis in order to let the user know if the desired satellite services are available in the particular geographical area.

4. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable by Hilt [US 2007/0118833] in view of Marko [US 2004/0049389]

Regarding claim 13 Hilt discloses an XM radio system. Hilt further discloses a method comprising:

- a computer(104 in Fig.1) coupled to a display; see Fig.1

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However, Hilt does not specifically disclose the use of a single receiver to receive the plurality of broadcast channels and a graphic user interface that selectively displays at least a portion of the data associated with the plurality of channels and wherein the data associated with the plurality of channels includes plurality of channel numbers, a plurality of song titles, a plurality of channel names, and wherein such data is simultaneously updated and displayed.

Marko, in the same field of endeavor, teaches the use of a single radio receiver with a graphical user interface capable of receiving a plurality of broadcast channels and data associated with the plurality of channels, wherein the data associated with the plurality of channels includes plurality of channel numbers, a plurality of song titles, a plurality of channel names See paragraphs 26-28

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Marko to Hilt in order to provide the user with a more improved and simple to use device compared to the terrestrial system

Regarding claim 14, Marko discloses a method wherein the data associated with the plurality of channels is extracted from a broadcast information channel received at the radio receiver as one of the plurality of channels. See paragraph 26-28

Regarding claim 15, Marko disclose a method wherein the data associated with the plurality of channels is extracted from a plurality of tuners performing background scanning among the plurality of channels to create a broadcast information channel and the output signal representative of the selected channel is an audio output. See paragraphs 26-28

5. Claims 16,18,23,25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marko [US 2004/0049389] in view of Rindsberg [US 6,553,077].

Regarding claims 16,25 Marko discloses a single radio receiver and a method of:

- extracting data associated with each channel in the plurality of channels; see paragraph 25
- enabling selective display of the data associated with each of the plurality of channels on a graphical user display; see paragraph 25
- selectively controlling a remotely coupled channel decoder on a on a radio receiver via the graphical user interface, where the user command specifying the channel to listen is sent from the graphical user interface to control the tuner/decoder. See paragraphs 25-28

Marko, however, fails to disclose a method wherein the graphic user interface selectively displays at least a portion of the data associated with the plurality of channels and wherein the data associated with the plurality of channels is simultaneously updated.

Rindsberg, in the same field of endeavor, teaches a method and apparatus for customized selection of audio channels. Rindsberg further teaches a method wherein the graphic user interface selectively displays at least a portion of the data associated with the plurality of channels and wherein the data associated with the plurality of channels is simultaneously updated. See fig. 6, col. 3, lines 41-48, col. 4, lines 1-10 and lines 49-61.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Rindsberg to Marko in order to enable the selection of channels containing the most updated desired content.

Regarding claim 18, Rindsberg further discloses a method wherein the graphical user interface includes a plurality of selectable tabs to enable the viewing of a plurality of channels belonging to predetermined categories selected from the group of categories including all, music, news, talk, last 10, favorites, traffic, weather, video, rock, classical, jazz, kids, comedy, and user customizable. See paragraph col. 4, lines 15-48 and col. 5, lines 20-50

Regarding claim 23, Rindsberg further teaches a method wherein the step of tagging further comprises the step of storing descriptors representative of the content on the selected channel in a memory. See col. 5, lines 6-10.

6. Claims 17,24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marko [US 2004/0049389] in view of Rindsberg [US 6,553,077] and further in view of Sezan [US 7,194,687].

Regarding claim 6,17,24 Ellis as treated in claims 1,16 and 20 respectively further discloses a method wherein the graphical user interface enables the simultaneous viewing of a plurality of channel numbers, a plurality of artist names, a plurality of song titles, a plurality of channel names, a plurality of categories,. See Figs. 26 and 27 and paragraph 232.

However, Ellis fails to disclose a method of viewing a plurality of use percentages.

Sezan, in the same field of endeavor, teaches a method of presenting a usage history that is proportional to a measured percentage consumed by a user of that particular program.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Sezan to modified Ellis in order to provide information of the most popular program viewed by the user.

Response to Arguments

7. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stetzler [US 20020055343] Apparatus and method for radio program guide capability
in a digital radio system

Gagnon [US 6,522,342] Graphical tuning bar for a multi-program data stream

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,


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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 571-272-7886. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Sujatha Sharma

Sep ~~Apr~~ 11, 2007


MATTHEW ANDERSON
SUPERVISORY PATENT EXAMINER